

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOA QUANG HA,)	No. C 03-03828 JF (PR)
)	
Petitioner,)	ORDER ADMINISTRATIVELY
)	TERMINATING MOTION TO DISMISS
vs.)	
)	
GAIL LEWIS, Warden,)	
)	
Respondent.)	(Docket No. 27)
_____)	

On September 20, 2010, the Court issued an order granting Petitioner's motion for a second extension of time to file supplemental briefing on the issue of whether Petitioner is entitled to equitable tolling based on his claim of mental incompetence to save his amended petition from being untimely. (See Docket No. 39.) The Court ordered Respondent's motion to dismiss, (Docket No. 27), to be stayed pending submission of the supplemental briefing. The motion will be administratively terminated at this time. Respondent may renew the motion to dismiss in her reply to Petitioner's supplemental briefing, which is due within fifteen days after it is filed.

The Clerk shall administratively terminate Docket No. 27.

IT IS SO ORDERED.

DATED: 9/27/10


 JEREMY FOGEL
 United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HOA QUANG HA,

Petitioner,

v.

GAIL LEWIS, Warden,

Respondent.

Case Number: CV03-03828 JF

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/29/10, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Hoa Quang Ha
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Pleasant Valley State Prison
PO Box 8503
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Coalinga, CA 93210-8503

Dated: 9/29/10

Richard W. Wieking, Clerk